

From the Chair



OFFICE OF THE ADVISORY COMMITTEE ON BUSINESS APPOINTMENTS

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BUSINESS APPOINTMENT APPLICATION: The Rt Hon Lord Benyon of Englefield, former Minister of State (Minister for Climate, Environment and Energy) at the Foreign, Commonwealth and Development Office and the Department for Environment, Food and Rural Affairs. Paid appointment with ELT Recovery Ltd.

1. You approached the Advisory Committee on Business Appointments the Committee) under the government's Business Appointment Rules for Former Ministers (the Rules) seeking advice on taking up a paid role as a Board Member with ELT Recovery Ltd (ELTR).
2. The purpose of the Rules is to protect the integrity of the government. The Committee has considered the risks associated with the actions and decisions made during your time in office, alongside the information and influence you may offer ELTR. The material information taken into consideration by the Committee is set out in the annex.
3. The Committee's advice is not an endorsement of the appointment – it imposes a number of conditions to mitigate the potential risks to the government associated with the appointment under the Rules.
4. The Ministerial Code sets out that ministers must abide by the Committee's advice. It is an applicant's personal responsibility to manage the propriety of any appointment. Former ministers of the Crown, and Members of Parliament, are expected to uphold the highest standards of propriety and act in accordance with the 7 Principles of Public Life.

The Committee's consideration of the risks presented

5. Your interaction with ELTR in office was limited to the receipt of a complaint. You took this no further after passing to officials, who subsequently dealt with this, though no decision was made by your department in the process. Your ministerial portfolio did not overlap with ETLR's business and you made no decisions specific to ELTR. Therefore, the Committee¹ considered the risk this appointment could reasonably be perceived as a reward for decisions or actions taken in office is low.
6. As a former minister within the Department for Environment, Food and Rural Affairs (Defra) there is a risk that you may have had access to sensitive information which could benefit a range of organisations operating in relevant sectors, including ELTR. The risks are limited because your portfolio in office has no direct overlap with the work of ELTR, and Defra confirmed that it is not aware of any specific information that could offer ELTR an unfair advantage.
7. There are risks your network of contacts in government may be seen as beneficial to ELTR, in offering unfair access. In particular, given the regulatory matters that may impact the company and its operations. Further, given your role involves business expansion, there is a risk that any contacts you may have developed in the sector whilst in office, could be used to gain business for ELTR.
8. It would be improper for you to seek to influence the government or its arm's length bodies, such as the Environment Agency which regulates recycling in the UK. The government's Rules prevent you from any direct or indirect lobbying for two years. You have been clear your role will not involve lobbying or contact with the government and that it is internal to the company, given that you will be navigating government policy, not influencing it.

The Committee's advice

9. The Committee determined the risks identified can be appropriately mitigated by the conditions below. These make it clear that you cannot make use of privileged information, contacts or influence gained from your time in ministerial office to the unfair advantage of ELTR.
10. The Committee advises, under the government's Business Appointment Rules, that your appointment with **ELT Recovery Ltd** be subject to the following conditions:

¹ This application for advice was considered by Andrew Cumpsty; Isabel Doherty; Hedley Finn OBE; Sarah de Gay; The Rt Hon Lord Eric Pickles; Michael Prescott; and Mike Weir. Dawid Konotey-Ahulu CBE DL was unavailable.

- you should not draw on (disclose or use for the benefit of yourself or the persons or organisations to which this advice refers) any privileged information available to you from your time in ministerial service;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying government or any of its arm's length bodies on behalf of ELT Recovery Ltd (including parent companies, subsidiaries, partners and clients); nor should you make use, directly or indirectly, of your contacts in government and/or ministerial office to influence policy, secure business/funding or otherwise unfairly advantage ELT Recovery Ltd (including parent companies, subsidiaries, partners and clients);
 - for two years from your last day in ministerial office, you should not provide advice to ELT Recovery Ltd (including parent companies, subsidiaries, partners and clients) on the terms of, or with regard to the subject matter of, a bid with, or contract relating directly to the work of the UK government and its arm's length bodies;
 - for two years from your last day in ministerial office, you should not become personally involved in lobbying contacts you developed during your time in office in other governments and organisations for the purpose of securing business for ELT Recovery Ltd.
11. The advice and the conditions under the government's Business Appointment Rules relate to your previous role in government only; they are separate from rules administered by other bodies such as the Office of the Registrar of Consultant Lobbyists, the Parliamentary Commissioner for Standards and the Registrar of Lords' Interests.² You are reminded that as a Member of the House of Lords you are prevented from any paid lobbying under the House of Lords Code of Conduct. It is an applicant's personal responsibility to understand any other rules and regulations they may be subject to in parallel with this Committee's advice.
12. By 'privileged information' we mean official information to which a minister or Crown servant has had access as a consequence of his or her office or employment and which has not been made publicly available. Applicants are also reminded that they may be subject to other duties of confidentiality, whether under the Official Secrets Act, the Ministerial Code or otherwise.

² All Peers and Members of Parliament are prevented from paid lobbying under the the House of Commons Code of Conduct and the Code of Conduct for Members of the House of Lords. Advice on your obligations under the Code can be sought from the Parliamentary Commissioners for Standards, in the case of MPs, or the Registrar of Lords' Interests, in the case of peers.

13. The Business Appointment Rules explain that the restriction on lobbying means that you “should not engage in communication with government (ministers, civil servants, including special advisers, and other relevant officials/public office holders) – wherever it takes place – with a view to influencing a government decision, policy or contract award/grant in relation to their own interests or the interests of the organisation by which they are employed, or to whom they are contracted or with which they hold office”.
14. You must inform us as soon as you take up employment with this organisation(s), or if it is announced that you will do so. Please inform us if you propose to extend or otherwise change the nature of your role as, depending on the circumstances, it may be necessary for you to make a fresh application.
15. Once the appointment(s) has been publicly announced or taken up, we will publish this letter on the Committee’s website, and where appropriate, refer to it in the relevant annual report.

The Rt Hon Lord Pickles

Annex - Material Information

The role

1. You stated ELTR is a company that takes end-of-life tyres and turns the waste tyres into renewable products through an innovative thermal process called pyrolysis. ELTR has planning permission to build a plant in the Grimsby/ North East Lincolnshire Council area which will take these used tyres and recover the materials, producing three products:
 - Renewable drop in fuel
 - Steel
 - “Carbon black” which can be used in the production of new tyres.

According to its website, ELTR ‘is committed to environmental stewardship and the creation of renewable products through the cutting-edge process of pyrolysis. Our objective is simple, to help the UK with its transition to Net Zero carbon emissions by 2050 by facilitating the domestic growth of renewables.’

2. ELTR is a stakeholder of your previous department, Defra.
3. You stated your proposed role as Board Member will be part-time and paid – with remuneration through company shares. You said you will be advising on

all aspects of business development. This will involve advising on government policy, particularly in respect of regulatory compliance.

4. You confirmed you will not have contact, nor directly interact with, government ministers or officials.

Dealings in office

5. You said you were contacted by the Managing Director of ELTR about issues concerning regulatory delays with Natural England. You stated you then referred this complaint on to Defra officials.

Departmental Assessment

6. Defra confirmed the details you provided and stated:
 - ELTR is a stakeholder for the department's resources and waste portfolio.
 - You had dealings with ELTR as stated above – you referred a complaint to department officials, who met with ELTR but made no decisions as a result.
 - You were not involved in policy, commercial or regulatory decisions specific to ELTR during your time in office.
 - ELTR is regulated by the Environment Agency, which is at arm's length from Defra.
 - You did not have regulatory responsibility as your portfolio in office did not cover the areas in which ELTR operates – UK based waste/recycling.
 - It did not have concerns relating to your access to sensitive information specific to ELTR.
7. Defra recommended the standard conditions.